

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TONY G. MAGAÑA,

Plaintiff,

vs.

YAKIMA CITY POLICE  
DEPARTMENT,

Defendant.

No. 13-CV-3095-JTR

ORDER ADOPTING REPORT AND  
RECOMMENDATION,  
DISMISSING COMPLAINT  
WITHOUT PREJUDICE AND  
DIRECTING THAT COLLECTION  
OF FILING FEE CEASE

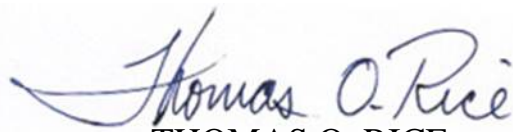
Magistrate Judge Rodgers filed a Report and Recommendation (ECF No. 13), recommending Mr. Magaña's request to voluntarily dismiss this action be granted. Defendants have not been served. There being no objections, the Court **ADOPTS** the Report and Recommendation. Plaintiff's Motion (ECF No. 10) is **GRANTED** and this complaint is **DISMISSED WITHOUT PREJUDICE**.

1           **IT IS FURTHER ORDERED** Plaintiff's Motion to waive filing fee (ECF  
2 No. 11) is **GRANTED** and the institution having custody of Mr. Magaña shall  
3 cease collection of the filing fee in this action, cause number **13-CV-3095-JTR**.  
4

5           **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
6 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff  
7 and close the file. The District Court Executive is further directed to send a copy  
8 of this Order to the **Office of the Department of Corrections, Attn: LFO/COS**  
9 **UNIT, P.O. Box 41107, Olympia, WA 98504-1107**, to forward to the appropriate  
10 agency having custody of Plaintiff. The District Court Executive also shall provide  
11 a copy of this Order to the Financial Administrator for the United States District  
12 Court, Eastern District of Washington.  
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14  
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16           **DATED** February 12, 2014.



  
THOMAS O. RICE  
United States District Judge